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August 20, 2020

**By ECF and email**

The Hon. William F. Kuntz  
United States District Court Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

***Re: United States v. Ali Saleh,  
15 Cr. 517 (S-1) (WFK)  
18 Cr. 468 (WFK)***

Dear Judge Kuntz:

Defendant Ali Saleh is presently scheduled to be sentenced on August 25, 2020, at 12:00 p.m., in relation to both of his above-referenced Indictments. After consultation with the Government, the defense writes to respectfully request an adjournment of Mr. Saleh's sentencing hearing in both cases due to the negative impact the COVID-19 public health crisis has had on our ability to complete a mitigation investigation in advance of sentencing. The parties have conferred and the defense proposes, with the Government's consent, that Mr. Saleh's sentencing hearing be adjourned to December 1, 2020, or a date thereafter that is convenient to the Court, with the added understanding that the defense reserves the right to request a further adjournment if one continues to be necessary.

By way of background, Mr. Saleh has been housed in the Special Housing Unit ("SHU") of the Metropolitan Detention Center ("MDC") in Brooklyn, New York, nearly since the start of his 2015 case and throughout the duration of his 2018 case. While detained in the SHU under normal circumstances access to Mr. Saleh is limited, access has become even more difficult as a result of the system-wide "lockdown" that has occurred at all BOP institutions since mid-March of this year; a lockdown that was implemented in an effort to curtail the spread of COVID-19 within the institutions. Most notable for present purposes, the MDC has not permitted any inmate visits – neither social nor legal – since mid-March, which has resulted in defense counsel's inability to complete our mitigation interviews of the defendant nor to prepare him for sentencing. While legal telephone and videoconferencing calls are permitted, they are limited in time and availability, and are not a sufficient substitute for in-person client access in this case.

It is hoped that the lack of in-person access to inmates will be resolved soon, in which case the defense expects to be able to complete our mitigation investigation in time for a December 1,

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2020 sentencing. Should in-person access not be restored, or should other obstacles arise that warrant a further delay, the defense will so inform the Court.

I have spoken to AUSA Saritha Komatireddy and she has informed me that the Government consents to the instant application.

Accordingly, Defendant Ali Saleh, by and through counsel, respectfully requests an adjournment of his August 25, 2020 sentencing hearing to **December 1, 2020**, or a date thereafter that is convenient to the Court.

As always, we thank Your Honor for his time and consideration.

Respectfully submitted,

/S/

Michael K. Bachrach

Anthony L. Ricco

Steve Zissou

*Attorneys for Defendant Ali Saleh*

cc: All parties of record (by ECF and email)